



UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

United States of America,) No. 08-MJ-03033
Plaintiff,) ORDER OF DETENTION AFTER
v.) HEARING
Ernesto Blancarte Duran,) (18 U.S.C. § 3142(i))
Defendant.)

I.

A. ☐ on motion of the Government involving an alleged

1. ☐ crime of violence;
2. ☐ offense with maximum sentence of life imprisonment or death;
3. ☐ narcotics or controlled substance offense with maximum sentence of ten or more years (21 U.S.C. §§ 801, /951, et. seq., 955a);
4. ☐ felony - defendant convicted of two or more prior offenses described above.

B. On Motion (☒ (by the Government) / ☐ (by the Court sua sponte) involving:

1. ☒ serious risk defendant will flee;
2. ☐ serious risk defendant will
 3. ☐ obstruct or attempt to obstruct justice
 4. ☐ threaten, injure, or intimidate a prospective
 5. witness or juror or attempt to do so.

6 II.

7 The Court finds no condition or combination of conditions
8 will reasonably assure:

- 9 A. ☒ appearance of defendant as required; and/or
- 10 B. ☒ safety of any person or the community

11 III.

12 The Court has considered:

- 13 A. ☒ the nature and circumstances of the offense;
- 14 B. ☒ the weight of evidence against defendant;
- 15 C. ☒ the history and characteristics of the defendant;
- 16 D. ☒ the nature and seriousness of the danger to any
- 17 person or to the community.

18 IV.

19 The Court concludes:

- 20 A. ☒ Defendant poses a risk to the safety of other persons
21 or the community because:

22 *Defendant's criminal history including convictions*
23 *involving narcotics and convictions involving*
24 *dangerous weapons.*
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1 B. (☒) History and characteristics indicate a serious risk
2 that defendant will flee because:

3 *Defendant's illegal reentry; his status in the*
4 *United States including prior detention and*
5 *lack of bail resources.*
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10 C. () A serious risk exists that defendant will:

11 1. () obstruct or attempt to obstruct justice;

12 2. () threaten, injure or intimidate a witness/juror

13 because:
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20 D. () Defendant has not rebutted by sufficient evidence to
21 the contrary the presumption provided in 18 U.S.C. §
22 3142(e).
23

24 **IT IS ORDERED** that defendant be detained prior to trial.

25 **IT IS FURTHER ORDERED** that defendant be confined as far as
26 practicable in a corrections facility separate from persons
27 awaiting or serving sentences or persons held pending appeal.
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1 IT IS FURTHER ORDERED that defendant be afforded reasonable
2 opportunity for private consultation with his counsel.

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4 Dated: 12-16-08


U.S. Magistrate Judge Jennifer T. Lum